

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1214

In Re: LORI BLAQUIERE, MICHAEL STEPHEN
ZARLENGA,

Petitioners.

On Petition for Writ of Mandamus
(CA-96-361-7-10, CA-97-3590-7-10)

Submitted: March 14, 2003

Decided: March 27, 2003

Before NIEMEYER, MICHAEL, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Lori Blaquiere, Michael Stephen Zarlenga, Petitioners Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Lori Blaquiere and Michael Zarlenga filed this petition for a writ of mandamus seeking an order directing the district court for the District of South Carolina to vacate several orders and grant the relief denied by those orders, and an order to the Judicial Panel on Multidistrict Litigation directing the Panel to vacate its order remanding Petitioners' cases to the district court for the District of Rhode Island pursuant to 28 U.S.C. § 1407 (2000).

Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). Mandamus relief is only available when there are no other means by which the relief sought could be granted. In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). The party seeking prohibition or mandamus relief carries the heavy burden of showing that he has no other adequate means to attain the relief he desires and that his entitlement to such relief is clear and indisputable. Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980); In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Mandamus may not be used as a substitute for appeal. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

We have reviewed the petition and find it fails to present the extraordinary circumstances justifying the grant of the writ. Accordingly, we deny Petitioners' motions to proceed in forma pauperis as unnecessary, deny Petitioners' motion for the

appointment of counsel, and deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED